

Exhibit B

In The Matter Of:
*CELLULAR COMMUNICATIONS EQUIPMENT LLC VS
APPLE, INC., ET AL*

September 6, 2016

Original File 9616 Ccc V Apple Afternoon Session.txt

Min-U-Script® with Word Index

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS TYLER DIVISION		Page 1
1	CELLULAR COMMUNICATIONS)	
2	EQUIPMENT, LLC) DOCKET NO. 6:14cv251	
3	-vs-)	
4	APPLE INC., ET AL) Tyler, Texas	
5		1:28 p.m.
6		September 6, 2016
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9	TRANSCRIPT OF TRIAL AFTERNOON SESSION	
10	BEFORE THE HONORABLE K. NICOLE MITCHELL, UNITED STATES MAGISTRATE JUDGE	
11		A P P E A R A N C E S
12	FOR THE PLAINTIFF:	
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16	MR. EDWARD R. NELSON III NELSON BUMGARDNER PC 3131 West 7th Street, Suite 300 Fort Worth, Texas 76107	
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21	COURT REPORTER: MS. CHRISTINA L. BICKHAM, CRR, RMR FEDERAL OFFICIAL COURT REPORTER 300 Willow, Ste. 221 Beaumont, Texas 77701	
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24	Proceedings taken by Machine Stenotype; transcript was produced by a Computer.	
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1	FOR THE DEFENDANTS:	
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3	MR. DOUGLAS E. LUMISH MR. JEFFREY G. HOMRIG MS. LISA K. NGUYEN MR. BRETT M. SANDFORD LATHAM & WATKINS LLP 140 Scott Dr. Menlo Park, California 94025-1008	
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15	P R O C E E D I N G S	
16	(Jury out.)	
17	COURT SECURITY OFFICER: All rise.	
18	THE COURT: Please be seated.	
19	Before we bring in the jury, let me talk to you all	
20	about exhibits. I understand the parties have exhibit lists	
21	that are in agreed form that we can preadmit at this time?	
22	MR. MCMANIS: Yes, Your Honor. Jason McManis for	
23	CCE.	
24	CCE offers its trial exhibit list offered on	
25	September 6th, 2016.	
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1	THE COURT: Any objection?	
2	MR. SIMS: No objection, Your Honor.	
3	THE COURT: And that --	
4	MR. MCMANIS: We can hand them up.	
5	THE COURT: If you'll, yes, hand it up to	
6	Ms. Hardwick, please.	
7	Those exhibits will be preadmitted.	
8	MR. SIMS: Defendants offer their list of	
9	unobjectionable exhibits.	
10	THE COURT: Very good. Those exhibits will also be	
11	preadmitted.	
12	And then if you all will just each morning prepare	
13	an updated version of that list, of anything that you	
14	continue to agree upon or anything that the Court has	
15	admitted, so that we can keep current, updated, running	
16	exhibit lists with Ms. Hardwick. We'll take that up with you	
17	each morning.	
18	Any questions about that?	
19	MR. MCMANIS: No, Your Honor.	
20	THE COURT: Okay. All right. Anything before we	
21	bring in the jury?	
22	MR. GLEASON: Yes, Your Honor. Your Honor, my name	
23	is Joseph Gleason. I'm an attorney here for NSN. And I	
24	wanted to enter an appearance on behalf of NSN.	
25	I don't anticipate having to speak, hopefully, at	
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1	all during the trial; but there is the possibility that I may	
2	have to object to preserve a privilege or confidentiality or	
3	something like that on behalf of NSN, so I wanted the Court	
4	to know who I was.	
5	THE COURT: Thank you very much.	
6	MR. LUMISH: Your Honor, I'm actually very glad	
7	Mr. Gleason is here because we may use some NSN documents and	
8	examinations, and I wasn't quite sure how you would want to	
9	handle that if they weren't here to represent themselves, as	
10	far as sealing the courtroom.	
11	THE COURT: Very good.	
12	MR. LUMISH: So that might come up.	
13	THE COURT: Thank you for that, Mr. Lumish.	
14	And, Mr. Gleason, as I've told the parties, if we	
15	get into any documents that for which we need to seal the	
16	courtroom, before we get into that, I just put the burden on	
17	you-all to let me know. I'm happy to do that. Our court	
18	security officers will take care of it, but I want it done	
19	before we get into the documents to the extent that that is	
20	possible so...	
21	MR. GLEASON: Sure.	
22	THE COURT: Thank you.	
23	Anything else?	
24	MR. GLEASON: I want to make a note I'm available	
25	for any discussions about that before witnesses take the	

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<p>1 A. So today it would be a Nokia document.</p> <p>2 Q. And why is that, Mr. Sebire?</p> <p>3 A. So now we have a new rule that the main editor of the</p> <p>4 document has to be listed first to avoid these kind of</p> <p>5 problems.</p> <p>6 Q. And in the past, it was done in alphabetical order?</p> <p>7 A. In the past, we always had a gentleman's agreement to</p> <p>8 have alphabetical order.</p> <p>9 Q. All right. And what is this R2-074682 in the corner,</p> <p>10 the number on the top right corner?</p> <p>11 A. I think I just explained that.</p> <p>12 Q. Okay. I'm sorry. How did -- okay. Let me ask it a</p> <p>13 different way. That was ambiguous.</p> <p>14 How did that number come about so that it could be</p> <p>15 included on the document?</p> <p>16 A. Yes. So to get this number, you have to ask the 3GPP</p> <p>17 secretary to allocate you the number.</p> <p>18 Q. And I assume, if we go look at the records, it will show</p> <p>19 that Ericsson is the one who requested that number; is that</p> <p>20 right?</p> <p>21 A. No, no. It will show that I requested the number.</p> <p>22 Q. On behalf of Nokia Siemens Networks?</p> <p>23 A. Yes.</p> <p>24 Q. So, in this instance, why is -- why are there more than</p> <p>25 one company that are listed?</p>	<p>1 market for us.</p> <p>2 Q. Now, does a patent application -- or I'm sorry. Did</p> <p>3 your patent application have information in it describing the</p> <p>4 new idea?</p> <p>5 A. Yes, of course.</p> <p>6 Q. Did it also have information as background information</p> <p>7 or contextual information separately?</p> <p>8 A. Yes.</p> <p>9 Q. Is that typical in your experience?</p> <p>10 A. It's very common, yes.</p> <p>11 Q. Can you give us an example of why?</p> <p>12 A. So, for instance, if you want to invent some headlights</p> <p>13 for a car that swivel together with a chainwheel, so first</p> <p>14 you describe what the car is, what you do with the</p> <p>15 chainwheel, why you have lights, and then at the end, you</p> <p>16 describe your invention. But you always first need to</p> <p>17 describe the context.</p> <p>18 Q. After you had your idea, did you submit it as a Nokia</p> <p>19 submission to your group that you were working with?</p> <p>20 A. Yes. So, after I had my idea and filed a patent</p> <p>21 application, I submitted the idea to that next meeting, which</p> <p>22 you can see on the screen.</p> <p>23 Q. And is the idea that you put in your patent application</p> <p>24 reflected at R2-080015?</p> <p>25 A. Yes. That's the contribution we made.</p>
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<p>1 A. So, in this instance, it just reflects the fact that all</p> <p>2 of these companies, we worked together to write this.</p> <p>3 Q. Now, this proposal, 074682, does this reflect your</p> <p>4 invention that was claimed in the '820 patent?</p> <p>5 A. No, it doesn't.</p> <p>6 Q. Did your invention come about around the same time of</p> <p>7 this proposal?</p> <p>8 A. Yes, it did.</p> <p>9 Q. When you had your invention, did you file for a patent</p> <p>10 application?</p> <p>11 A. Yes.</p> <p>12 Q. Now, the official filing date of the application is</p> <p>13 November 5th, 2007. Do you recall that?</p> <p>14 A. I recall that, yes.</p> <p>15 Q. So your idea -- did you have your idea some number of</p> <p>16 days or so before that?</p> <p>17 A. Yes, probably one week or two.</p> <p>18 Q. Now, was a patent application filed in the United States</p> <p>19 for a United States patent?</p> <p>20 A. Yes, it was.</p> <p>21 Q. If you were traveling all around the world working on</p> <p>22 the standards, working on the cell phone systems, and your</p> <p>23 company was in Finland, why is it that your application was</p> <p>24 filed in the United States?</p> <p>25 A. So we usually file in the U.S. because it's an important</p>	<p>1 Q. And that's DTX-567?</p> <p>2 A. Yes.</p> <p>3 Q. What is the title of this document, and what does it</p> <p>4 signify?</p> <p>5 A. So the title is Criteria for Short and Long BSR, so it</p> <p>6 describes basically the invention, so how to select long and</p> <p>7 short.</p> <p>8 Q. Mr. Sebire, are you claiming or are you telling this</p> <p>9 jury that you were the first person to think up BSR or buffer</p> <p>10 status reports?</p> <p>11 A. No, I am not.</p> <p>12 Q. Are you claiming in your patent that you invented having</p> <p>13 long and short BSRs?</p> <p>14 A. No, I am not.</p> <p>15 Q. We heard something in opening about this concept of</p> <p>16 triggering. What is triggering a BSR?</p> <p>17 A. So triggering is to know when you need to send it.</p> <p>18 Q. Are you here telling this jury that what you claimed in</p> <p>19 your patent is triggering a BSR?</p> <p>20 A. No.</p> <p>21 Q. Now, just at a high level, how is the concept of</p> <p>22 triggering different from what you put in your disclosure as</p> <p>23 a criteria for short and long BSR?</p> <p>24 A. So triggering is to decide when to send. Selection</p> <p>25 criteria has to decide what to send. So these are different</p>